IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (STAMP) NO. 3924 OF 2006

IN

WRIT PETITION NO. 9259 OF 2005

Managing Director, Solapur
Sahakari Dudh Utpadak & Prakriya
Sangh Maryadit. ... ... Petitioner.

Versus

Somnath Sandipan Mukte & Ors.. ... Respondents.

Mr. A. A.Kumbhakoni, Associate Advocate General,
with Mr. A.M.Kulkarni for Petitioner.

Mr. B.D.Joshi for Respondent No.1.

Mr. D.A.Adsule for Respondent Nos.2 and 3.

Mr. R.D.Rane, Addl.G.P. for Respondent No.4.

CORAM : V.G. PALSHIKAR, and
V.R.KINGAONKAR, JJ.

DATED : 6TH MARCH, 2006.

P.C.:

On 17th January, 2006 this petition came up for admission before this Court. On that day, Rule was granted and interim relief in terms of prayer (b) of the writ petition was granted. The petitioner was represented by his advocate and Respondent No.4 was

represented by the Government Pleader. There was no representation to Respondent No.2.

After the order was passed, the Civil Application was filed praying for vacation of the interim order. Averment is made that the construction was carried on with the permission of the Zilla Parishad Standing Committee, which grant of permission is questioned on behalf of the Petitioner. The building admittedly is complete. In such situation, we see no reason why the injunction should be continued. Hence, injunction granted on 16th January, 2006 is vacated. The petitioner shall be at liberty to make appropriate application in relation to further reliefs in the petition. All contentions in regard to violation of the interim order between its grant and today shall remain open to the parties.

Civil Application is, accordingly, disposed of.

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